

03-18-03

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

DAK #10  
Docket No.  
26842-1060(FLO5360.03A)

In Re Application Of  
KESTON, R.J. ET AL.

MAR 14 2003  
PATENT & TRADEMARK OFFICE

Serial No.  
09/724,691

Filing Date  
NOVEMBER 28, 2000

Examiner  
GHAFOORIAN, ROZ

Group Art Unit  
3763

Invention: INTRA-AORTIC RENAL DRUG DELIVERY CATHETER

**RECEIVED**

MAR 21 2003

ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions

Box DAC

Washington, D.C. 20231

**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: RESPONSE TO SPECIES ELECTION REQUIREMENT

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ A small entity declaration:

☐ is enclosed. ☒ was filed on 11/28/2000

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

03/19/2003 SLUANG1 00000011 09724691

01 Fee:2453

650.00 OP

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**Calculation and Payment of Fees**

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$650.00
8. ☐ Fee for amendment in the amount of: \_\_\_\_\_
9. ☐ Fee for extension of time to reply to Office Action in the amount of: \_\_\_\_\_
10. ☐ Issue fee in the amount of: \_\_\_\_\_
11. ☐ Continuing application filing fee in the amount of: \_\_\_\_\_
12. ☐ Terminal disclaimer fee in the amount of: \_\_\_\_\_
13. ☐ \_\_\_\_\_

Total fees enclosed: \$650.00

The fee of **\$650** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. \_\_\_\_\_
- A duplicate copy of this sheet is enclosed.

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**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

*Signature*

**JOHN P. O'BANION, REG. NO. 33,201  
O'BANION & RITCHEY LLP  
400 CAPITOL MALL, SUITE 1550  
SACRAMENTO, CA 95814  
(916) 498-1010**

Dated: **3/14/03**

I certify that this document and fee is being deposited  
on \_\_\_\_\_ with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

*Signature of Person Mailing Correspondence*

*Typed or Printed Name of Person Mailing Correspondence*

CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **KESTON, R. J. ET AL.**

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**11/28/2000**

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**3763**Invention: **INTRA-AORTIC RENAL DRUG DELIVERY CATHETER**

I hereby certify that the following correspondence:

**Petition for Revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b)  
(Small Entity) (Page 1 thru 3)***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

**March 14, 2003***(Date)***Jerry V. King***(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)***EV193318233US***(“Express Mail” Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.

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